

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services hereby gives Notice of Intended Action to amend Chapter 152, “Foster Care Contracting,” Chapter 156, “Payments for Foster Care,” and Chapter 202, “Foster Care Placement and Services,” Iowa Administrative Code.

These proposed amendments align program and payment changes under the competitive child welfare services procurement for supervised apartment living (SAL) based on Request for Proposal ACFS 18-016, Child Welfare Crisis Intervention, Stabilization, and Reunification (CISR) Services, Supervised Apartment Living (SAL), with new contracts anticipated to begin October 1, 2017. Alignment will address payment, service determinations, and eligibility.

Any interested person may make written comments on the proposed amendments on or before September 5, 2017. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 234.6.

The following amendments are proposed.

ITEM 1. Amend rule **441—152.1(234)**, definition of “Unit of service,” as follows:

*“Unit of service” means one day for group care and child welfare emergency services shelter, and one hour or any portion thereof for supervised apartment living as set forth in 441—paragraph 202.9(4)“b.”*

ITEM 2. Amend rule 441—156.12(234) as follows:

#### **441—156.12(234) Supervised apartment living.**

**156.12(1) *Maintenance* Child monthly stipend.** ~~Effective July 1, 2013, when a child at least aged 16½ but under the age of 20 is~~ For each eligible child living in a supervised apartment living situation, the monthly ~~maintenance~~ stipend payment for the child shall be \$787.50. This payment may be paid to the child or another payee, other than a department employee, for the child’s living expenses.

**156.12(2) *Service*.** When services for a youth in supervised apartment living are purchased, the service components and ~~number of hours purchased~~ any special provisions shall be specified by the service worker in the youth’s case permanency plan.

This rule is intended to implement Iowa Code section 234.35 and 2011 Iowa Acts, House File 649, section 28(4).

ITEM 3. Amend subrule 202.9(2) as follows:

**202.9(2) *Eligibility*.** To be eligible for supervised apartment living placement, a child shall meet all of the following conditions:

*a.* No change.

b. The child must be at least 17 years old, ~~for~~ and it has been determined by the department or juvenile court services referral worker that the child has lived successfully in a SAL cluster setting until the child is able to live in a more independent placement in a scattered-site setting.

c. If the child is under the age of 18, the child must:

(1) Satisfactorily attend school, in accordance with the school's attendance policies, with the objective of obtaining a high school diploma; or

(2) Satisfactorily attend an instructional program, pursuant to the program's policies, necessary to obtain a ~~general~~ high school equivalency diploma (GED); or

(3) Attend school to obtain postsecondary education or training on a full-time basis (based upon the institution's definition of full-time) or attend on a part-time basis and be either working or participating in a work training program leading to employment; or

(4) Work at least an average of 80 hours per month if not enrolled in school; or

(5) Participate in a work training program leading to employment if not enrolled in school.

d. If the child is aged 18 or older, the child must:

(1) Meet the definition of "child" in Iowa Code section 234.1; and

(2) Have been in foster care immediately before reaching the age of 18 and have continued in foster care since reaching the age of 18. The service area manager or designee may waive the requirement for continuous placement for a child who leaves foster care at age 18 and voluntarily returns before the child's twentieth birthday in order to complete high school or obtain a GED high school equivalency diploma, consistent with Iowa Code sections 234.35(1) "f" and 234.35(3) "c"; and

(3) Attend school on a full-time basis leading to a high school diploma or attend an instructional program leading to a GED high school equivalency diploma.

e. to j. No change.

ITEM 4. Amend subparagraph **202.9(3)"a"(4)** as follows:

(4) A budget, developed with the child, based upon the child's monthly ~~maintenance stipend~~ payment, any start-up allowance, any earned or unearned incomes and financially related assistance (e.g., food assistance). Staff will work with the child to ensure payment of bills and receipt of necessary items as outlined in the budget.

ITEM 5. Amend subrule 202.9(4) as follows:

**202.9(4) Method of service provision.** Supervised apartment living services may be provided directly by the department or purchased from an agency that has a contract with the department to provide supervised apartment living foster care services. If services are purchased:

a. Department staff shall be responsible to determine the specific service components ~~and the specific number of service units to be provided for required services and any special provisions of this care.~~ The department case permanency plan shall specify the goals and objectives (action steps) of the services that are being purchased. If services are purchased, the worker shall complete Form 470-5081, Placement Agreement and Service Authorization for Supervised Apartment Living (SAL), to place the child with the contractor, to authorize the SAL service, and to ~~authorize service codes (scattered-site or cluster setting; individual services or services provided with a group of children in supervised apartment living placement) and the specific number of units to be provided and billable~~ identify any special provisions for the case.

b. ~~Service billings for services~~ Supervised apartment living billings shall be based on one hour (one unit equals one hour of service), or any portion thereof (with monthly cumulative units rounded up or down to the nearest whole unit), of: follow the terms of the contract with the department.

~~(1) Direct face-to-face contact between the service provider and the child.~~

~~(2) Activities undertaken to assist the child in developing the needed structure and supports to live in the supervised apartment living setting.~~

~~(3) Activities undertaken to assist the child in locating and using other needed services, supports, and community resources and to consult and collaborate on service directions on behalf of the child with schools, employers, landlords, volunteers, extended family members, peer support groups, training resources, or other community resources.~~

~~c.—Service billings for group services shall be based on one hour (one unit equals one hour of service), or any portion thereof (with monthly cumulative units rounded up or down to the nearest whole unit), for each child in the group.~~

~~d.—Expenses of transporting the child, service management activities, and other administrative functions shall be allowable indirect costs subject to the restrictions set forth in 441—subrule 152.2(6) and are not billable units of service.~~

~~e.—Contractors providing a cluster setting shall be paid \$551.25 per month per child in the setting for agency staffing costs, in addition to billable units of services provided to the child, but are eligible for this payment only when two or more children are in the setting. For a child who enters a cluster setting during the month, the prorated amount per day is \$18.12. If a child exits the setting on or before the last day of the month, the \$551.25 shall be prorated up to the date before the date of exit.~~